

CHAPTER 84
STATE SUBSTITUTE MEDICAL DECISION-MAKING BOARD

641—84.1(135) Purpose. A state substitute medical decision-making board is established to formulate policy and guidelines for the operations of local substitute medical decision-making boards and to act if a local board does not exist. The state board shall also develop rules for adoption by the department pursuant to Iowa Code chapter 17A for the appointment and operation of the local substitute medical decision-making boards.

The state board is comprised of medical professionals and laypersons appointed by the director and the state board of health according to rules adopted by the department. The state substitute medical decision-making board and its members are not liable, jointly or severally, for actions or omissions taken or made in the official discharge of their duties, except those acts or omissions constituting willful or wanton misconduct.

641—84.2(135) Composition of board. The state substitute medical decision-making board shall consist of 15 members at least 4 of whom shall be licensed in Iowa as doctors of medicine and surgery or as osteopathic physicians and surgeons, as defined by law.

641—84.3(135) Appointment. All members of the board shall be appointed by the director of public health and approved by the state board of health. The appointments shall be for three-year staggered terms which shall expire on June 30.

Any vacancy occurring on the board shall be filled by the director, with approval of the state board of health, for the unexpired term of the vacancy.

641—84.4(135) Duties. The board shall formulate rules, policies and guidelines for the local substitute medical decision-making boards established in Iowa Code section 135.29.

641—84.5(135) Officers. Officers of the board shall be a chairperson and a vice chairperson and shall be elected at the first meeting of each fiscal year. Vacancies in the office of chairperson shall be filled by elevation of the vice chairperson. Vacancies in the office of vice chairperson shall be filled by election at the next meeting after the vacancy occurs.

The chairperson shall preside at all meetings of the board, appoint such subcommittees as deemed necessary, and designate the chairperson of each subcommittee. The chairperson shall also appoint panels to act on cases appealed from local board decisions and cases submitted to the state board from counties which do not have local boards. If the chairperson is absent or unable to act, the vice chairperson shall perform the duties of the chairperson. When so acting the vice chairperson shall have all the powers of and be subject to all restrictions upon the chairperson. The vice chairperson shall also perform such other duties as may be assigned by the chairperson.

641—84.6(135) Meetings. The board shall meet as necessary at the call of the chairperson or the director. Two-thirds of the members of the board shall constitute a quorum. Actions can be taken by a majority vote of the board membership.

641—84.7(135) Panels. The board shall act on cases appealed from local board decisions and cases submitted to the state board from counties which do not have local boards through the use of panels as defined in 641—Chapter 85. Such panels shall function in the same manner as specified for local panels in 641—Chapter 85 and shall have the same authority to make decisions as the local panels.

641—84.8(135) Review of local boards. The state board shall, at least annually, review the reports and activities of the local boards to ensure compliance with the law and rules and to determine the need for changes.

These rules are intended to implement Iowa Code section 135.28.

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